



PUBLIC NOTICE

US Army Corps
of Engineers
Albuquerque District
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435

Fax No. 505-342-3498

cespa-od-r@usace.army.mil

Permit Application No: 1997 30300 Date: February 28, 2003

Phone: (970) 375-9509 Suspense Date: March 21, 2003

In Reply Refer to:

District Engineer, ATTN: CESPA-OD-R

PERMIT APPLICATION UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344)

Summary of Proposed Project: We are requesting public comments on the following project before the above suspense date. The application is for a permit to permanently place dredged and fill material onto approximately 6.26 acres of wetlands, with temporary impacts to approximately 2.99 acres of wetlands. The impacts would occur as a result of improvements to Highway 160, east of Wolf Creek Pass.

Name of Applicant: Colorado Department of Transportation (CDOT), Region 5 - Engineering, 3803 North Main Avenue, Suite 300, Durango, CO 81301, phone 970-385-1430.

Location: The project is located on the east side of Wolf Creek Pass, in Mineral and Rio Grande counties, along US Highway 160 between mileposts 174.7 and 181.3, west of South Fork, Colorado. The project is located within USGS 7.5' quadrangles Beaver Creek Reservoir and Mount Hope. Elevation within the project corridor ranges from 8,200 feet at the east end to 8,900 feet at the west end.

Description of Work: The proposed improvements consist of highway widening, addition of auxiliary lanes at various locations, straightening existing curves to improve sight distance, and flattening roadway side slopes to improve clear zone safety. Some of the changes will be made within the existing right of way and within the footprint of the existing road. The work will be completed in three or more stages depending upon availability of funding. To reduce impacts to the South Fork of the Rio Grande (South Fork) and its tributaries, retaining walls are planned at nine locations. Temporary fills below the ordinary high water mark of the South

Fork River will be required. The volume of temporary fill material is unknown at this time, but will be provided to the Corps of Engineers (COE) prior to construction to allow time for consultation and adequate mitigation.

Purpose and Need: The stated purpose of the project is to improve safety by reducing the number and severity of accidents, improving travel efficiency and capacity by limiting delays caused by slow-moving vehicles, and bringing the road up to current highway design standards. The subject section of US Highway 160 is experiencing an increasing accident rate, which is greater than the statewide average for this type of roadway.

Related Work: Total volume of material to be excavated is 868,000 cubic yards, with 272,000 cubic yards to be used for embankment fill.

Mitigation Proposed by the Applicant: The applicant will offset the loss of approximately 6.26 acres of palustrine scrub-shrub wetlands (60% of total) and palustrine emergent-persistent (40% of total) wetlands by creating a minimum of 6.26 acres and up to 6.76 acres of onsite, inkind, wetlands. Mitigation to reduce temporary impacts to other wetlands includes installation of silt fences, earthen berms, and protective fabric and earth for the construction period. In other cases temporary impacts may reflect wetland topsoil salvaged from a roadside ditch that will be relocated immediately adjacent and parallel to the original ditch, again with the original water source. Many of the affected wetlands are "roadside wetlands" which have developed as a result of runoff from the highway into borrow pit areas, and have developed in long, narrow, configurations. It is highly probable that similar wetlands will develop along the upgraded highway in the future.

Note: The CDOT mitigates for the loss of all wetlands associated with a highway construction project regardless of whether the COE has designated the affected wetlands as jurisdictional or non-jurisdictional.

Plans and Data: Drawings showing the location of the work site and other data are enclosed with this notice. If additional information is desired, it may be obtained from the applicant, or from:

Houston L. Hannafious
U.S. Army Corps of Engineers
Durango Regulatory Office
278 Sawyer, Suite 1
Durango, CO 81303
(970) 375-9509
Fax No. (970) 375-9531

NEWS RELEASE

Statement of Findings: The applicant consulted with the State Historic Preservation Office (SHPO) for the status of 5 potential historic sites located within the project corridor, and all were found to be not eligible. A cultural resources survey was also conducted by the U.S. Forest Service for a proposed mitigation site near the eastern end of the project corridor. A report dated August 2002, indicating the absence of any cultural resources, was submitted to the SHPO. Consultation with the Colorado State Historic Preservation Office has not revealed any pending nominations. This constitutes the extent of cultural resource investigations by the District Engineer. It is possible, however, that presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that cultural resources are found, the SHPO will be contacted for advice on the appropriate action to be taken.

The following is a list of endangered (E), threatened (T) species, and candidate (C) species and/or critical habitat (CH) for Mineral and Rio Grande counties, Colorado:

Bald eagle, *Haliaeetus leucocephalus* (T)
American Peregrine falcon, *Falco peregrinus* (E)
Mexican spotted owl, *Strix occidentalis lucida* (T)
Uncompahgre fritillary butterfly, *Boloria acrocnema* (E)
Canada lynx, *Lynx canadensis* (T)
Southwestern willow flycatcher, *Empidonax traillii extimus* (E)
Boreal Toad, *Bufo boreas boreas* (C)
Wolverine, *Gulo gulo* (C-pending)
Yellow-billed cuckoo, *Coccyzus oregonus* (C)

Surveys for the presence of the above listed species have been conducted, and informal consultation with the U.S. Fish and Wildlife Service (USFWS) has taken place. A biological assessment for impacts to the Canada lynx was submitted to the USFWS for its review on January 7, 2002. At the request of USFWS, supplemental information was provided on October 4, 2002. Final approval and issuance of a biological opinion is pending. The date for start of highway construction is unknown at this time, consequently, followup surveys may occur for selected species prior to construction.

The applicant has applied to the Colorado Department of Public Health

and Environment for certification that this work is in compliance with applicable State water quality standards. The applicant is responsible for obtaining all other required Federal, state, and local authorizations for this work.

In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an Environmental Assessment was prepared by the CDOT, and approved by the Federal Highway Administration in 1999. The COE will also prepare an environmental assessment for this project. Upon completion, the assessment may be seen at the COE, Albuquerque District Office or at the Durango Regulatory Office, at the address given above.

Comment: Any comments concerning this project should be received by the District Engineer no later than March 21, 2003. Comments received after the end of the Public Notice comment period will not be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The CEO is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the COE to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used by the COE in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be

considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

If the District Engineer determines that the project complies with the 404(b)(1) guidelines, he will grant the permit unless issuance would be contrary to the public interest.

Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

Dana R. Hurst
Lieutenant Colonel, US Army
District Engineer

Enclosure